

AGENDA MEMO

CITY COUNCIL MEETING OF: AUGUST 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-34779 - APPLICANT: CLEAR WIRELESS, LLC -
OWNER: SUN CITY SUMMERLIN COMMUNITY**

**** CONDITIONS ****

Staff recommends DENIAL. The Planning Commission (5-1/vq vote) recommends APPROVAL, subject to conditions.

Planning and Development

1. Conformance to the plans and elevations date stamped 07/17/09.
2. The Wireless Communications Facility shall have a maximum height of 60 feet, with an additional 5 feet allowed for the fronds.
3. No additional arrays shall be allowed without a public hearing at Planning Commission of a Site Development Plan Review.
4. Conformance to all Minimum Requirements under LVMC Title 19.04.010 for a Wireless Communication Facility, Stealth Design use.
5. Approval of and conformance to the Conditions of Approval for Variance (VAR-34780) shall be required, if approved.
6. This approval shall be void two years from the date of final approval, unless a final inspection has been approved for the Wireless Communication Facility. An Extension of Time may be filed for consideration by the City of Las Vegas.
7. The communications monopalm and its associated equipment and facility shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the communications monopalm and its associated equipment and facility.
8. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a 70-foot tall Wireless Communication Facility, Stealth Design (Monopalm) on 0.45 acres at the north side of the Lake Mead Boulevard at Sun City Boulevard. The proposed location is a common lot island that serves as an entry and visitor information facility for this community. The monopalm will be located to the south of the existing structure. An associated Variance (VAR-34780) request will also be considered, as the installation of the proposed Wireless Communication Facility will not meet the required 210 foot residential adjacency standard. If the application is denied, the proposed Wireless Communications facility will have to be redesigned or relocated to comply with Title 19.

Issues:

- The proposed Wireless Communication Facility, Stealth Design (Monopalm) will not meet the required residential adjacency standards. The proposed Mono-palm will be 127 feet from an existing single family residence where 210 feet is required. Approval of an associated Variance (VAR-34780) is required for this request to be approved.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc. and Property Sales</i>	
06/03/87	The City Council approved a Rezoning (Z-0044-87) of property located south of Cheyenne Avenue between Buffalo Drive and Hualapai Way from N-U (Non-Urban) to PC (Planned Community)
04/26/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(1)] for a temporary construction equipment maintenance yard and fuel storage tanks, on property located on the west side of Rampart Boulevard, north of Lake Mead Boulevard.
05/31/88	The Planning Commission approved a Plot Plan Review [Z-0044-87(2)] for Sun City/Summerlin main entrance design on property located on the north side of Lake Mead Boulevard, west of Rampart Boulevard.
01/18/89	The City Council approved a Plot Plan Review [Z-0044-87(5)] to amend the Summerlin Development Standards to allow multi-family uses in the commercial area.
11/21/90	The City Council approved a Plot Plan Review [Z-0044-87(3)] for Summerlin Village I on property located on the west side of Rampart Boulevard, between Lake Mead Boulevard and the Summerlin Parkway.
10/16/91	The City Council approved a Plot Plan Review [Z-0044-87(4)] to amend the Master Development Plan of the Sun City portion of the Summerlin Master Plan to relocate commercial sites, churches and the realignment of Sun City Boulevard.
07/23/09	The Planning Commission recommended approval of companion item VAR-34780 concurrently with this application.
	The Planning Commission voted 5-1/vq to recommend APPROVAL (PC Agenda Item #22/gk).

<i>Related Building Permits/Business Licenses</i>	
08/06/92	Original construction date for the Sun City Summerlin entry building located at 10499 Sun City Boulevard.
<i>Pre-Application Meeting</i>	
03/26/09	A pre-application meeting was held where the submittal requirements for a Special Use Permit for a Wireless Communication Facility, Stealth (Monopalm) Design were discussed, including Residential Adjacency requirements.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required for this application, nor was one held.	
<i>Field Check</i>	
06/18/09	A field check was conducted by staff. A well maintained open space was observed.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Net Acres	0.45

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Open Space, Wireless Communication Facility, Stealth Design	PR-OS (Parks/Recreation/Open Space)*	P-C (Planned Community)
North	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
South	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
East	Open Space	PR-OS (Parks/Recreation/Open Space)	P-C (Planned Community)
West	Single Family Residential	M (Medium Density Residential)	P-C (Planned Community)

*The subject site is depicted with an existing General Plan designation of ROW (Right-of-Way); however, further research indicates that the site was recorded as a common lot and is privately owned. As it was never dedicated as right-of-way, it should have retained a General Plan designation of PR-OS (Parks/Recreation/Open Space). This error will be corrected in a future action.

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan	X		
Sun City Summerlin	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	N/A
Trails		X	N/A
Rural Preservation Overlay District		X	N/A
Development Impact Notification Assessment		X	N/A
Project of Regional Significance		X	N/A

DEVELOPMENT STANDARDS

Review the following from Title 19.08.060

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
• West	210 Feet	127 Feet	N
• East	210 Feet	267 Feet	Y

ANALYSIS

The applicant is proposing a 70-foot, Wireless Communication Facility, Stealth Design (Monopalm) within an existing landscaped open space area north of Lake Mead Boulevard at Sun City Boulevard. A total of 3 antennas and three microwave dishes will be mounted at the 65-foot centerline of the proposed Monopalm. Additionally, the applicant has submitted plans which have been stamped approved by the Sun City Summerlin Community Association Architectural Review Committee.

The proposed Wireless Communication Facility, Stealth Design (Monopalm) will sit in line with six existing, live palm trees. An enclosure will sit near the center of the subject parcel, which is an existing landscape area containing a grove of six palms, shrubbery, and ground cover. The proposed enclosure with a six-foot wall to match the existing Information Center will measure 75 square-feet. This proposed enclosure will house all electrical equipment associated with the proposed Wireless Communication Facility within a smaller shelter measuring three feet by three feet. The smaller shelter will also be painted and textured to match the existing Information Center. Access to the site will be gained via a proposed 12-foot wide access easement along the west side of the existing Information Center. The enclosure will contain a four foot wide and six foot tall wrought iron metal entry gate on the west side of the walled area.

The proposed communication facility will be approximately 127-feet from the protected property to the west, which does not meet the minimum Residential Adjacency Setback requirements of 210 feet. The applicant has submitted an associated Variance (VAR-34780) to allow a 127-foot setback where Residential Adjacency Standards require 210 feet for a proposed Wireless Communication Facility, Stealth Design (Monopalm). In order to comply with the Residential Adjacency Standards, the proposed tower would need to be at a height of 42.5 feet. Staff finds that the proposed location of the Wireless Communication Facility, Stealth Design (Monopalm) is not compatible with the existing single-family residential homes to the west. The proposed use is not harmonious as it intensifies the visual impact upon the residences to the west, therefore, denial of this request is recommended.

- **Use**

A wireless communication facility that is designed to blend into the surrounding environment. Examples include without limitation: antenna tower alternative structures; roofed-mounted antennas (with architectural screening when appropriate); building-mounted antennas painted to match the existing structure; antennas integrated into architectural elements (such as steeples or cupolas); antennas and antenna structures designed to look like light poles; flag poles; or any other camouflaging techniques available on the market; and a cable microcell network which utilizes multiple low-powered transmitters/receivers or repeaters attached to existing wireline systems; such as conventional cable or telephone wires, or smaller technology that does not require the use of towers.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed Wireless Communication Facility is not compatible with existing surrounding residential land uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site is not physically suitable for the type and intensity of land use proposed as the Wireless Communication Facility fails to meet the minimum Residential Adjacency setback requirement.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

There is little expected traffic related with a Wireless Communication Facility at the subject site. Sun City Boulevard, an 80-foot Collector as designated by the Master Plan of Streets and Highways will provide adequate access to the subject property.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The approval of this proposal will not be inconsistent with the overall objectives of the General Plan. Staff does note that a 70-foot Wireless Communication Facility will have an impact on the nearby single-family residential properties to the west, as the facility will be visible from these properties.

5. **The use meets all of the applicable conditions per Title 19.04.**

The use does not meet all condition per Title 19.04. Pursuant to Condition #5, the subject site has been determined to be incompatible with the surrounding residential uses.

PLANNING COMMISSION ACTION

The Planning Commission added conditions 1 through 3 to which the applicant agreed.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 4

SENATE DISTRICT 6

NOTICES MAILED 262 by City Clerk

APPROVALS 2

PROTESTS 0